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Kevin Spacey accuser abruptly drops civil lawsuit

By [John R. Ellement](#) Globe Staff, July 5, 2019, 8:40 a.m.



Kevin Spacey in court in Nantucket last month. STEVEN SENNE/ASSOCIATED PRESS/ASSOCIATED PRESS

The man who accused Kevin Spacey of groping him in a Nantucket bar in 2016 dropped his civil lawsuit against the actor just seven days after it was filed, a legal maneuver that raises questions about the viability of the criminal case against Spacey, according to records and a civil lawyer.

Boston attorney Mitchell Garabedian, who represents the accuser, filed the civil lawsuit against Spacey on June 26 in Nantucket County Superior Court; on Wednesday he notified the court that he was voluntarily ending the litigation. Garabedian e-mailed copies of his motion to drop the suit to the Globe and other media outlets Friday.

Garabedian's filing said his client was dropping the lawsuit "with prejudice," meaning he cannot refile the case.

Garabedian, in an e-mail, declined to comment further. Alan Jackson, Spacey's California-based defense attorney, could not be reached for comment.

Cape and Islands District Attorney Michael O'Keefe's spokeswoman, Tara Miltimore, said the criminal case will not be affected by the settlement. "The criminal case is independent of the civil case and will go forward," she wrote in an email. A hearing in the criminal case is scheduled for Monday in Nantucket District Court.

Marc Breakstone, a veteran Boston lawyer whose practice focuses on civil litigation, said that dropping the case "with prejudice" is extremely significant. "This will never be refiled," Breakstone said. "This claim is now extinguished for all time."

Breakstone said the withdrawal of the suit could indicate that Spacey has reached a settlement of some type with the accuser, who is the son of former Boston television anchor Heather Unruh. But if there is a settlement, he added, there likely is a confidentiality requirement that will keep details private.

Breakstone said the filing could also indicate the criminal case could be in jeopardy.

Unruh publicly accused Spacey of sexually assaulting her son in November 2017. O’Keefe’s office, along with State and Nantucket police, investigated for months before charging Spacey with a single count of indecent assault and battery in December 2018.

Spacey is accused of buying the then-18-year-old drinks after his shift as a busboy ended, unzipping the man’s pants, and fondling him.

Spacey has pleaded not guilty. His lawyers have denied the allegations as “patently false,” describing the encounter as “mutual and consensual flirtation, nothing more.”

The prosecution hit a snag when Garabedian notified the court last month that the accuser’s cellphone had disappeared. Prosecutors had used some text messages to charge Spacey, but defense attorney Jackson contends that some text messages were deleted, and he needed to study the phone to properly defend Spacey.

Garabedian wrote in court records that Unruh gave the phone to police in December 2017, around when the criminal probe began. But neither the accuser nor his parents recall seeing the phone since, Garabedian wrote.

Nantucket District Court Judge Thomas S. Barrett has scheduled a hearing for Monday. The teenager’s father could attend, if needed, to explain what he knows about where the phone is if the phone has not been located by then.

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